



United States
Department of
Agriculture

Forest
Service

Custer
National
Forest

2602 1st Avenue North
P.O. Box 2556
Billings, MT 59103

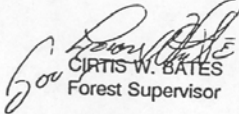
Reply to: 1950

Date: November 1, 1991

Interested Publics:

On October 24, 1991 Regional Forester John W. Mumma, and Thomas P. Lonnie Acting State Director of the Bureau of Land Management signed the Record of Decision for the Northern Little Missouri National Grasslands Oil and Gas Leasing Final Environmental Impact Statement. The Record of Decision (ROD) made the "administratively available" decision for the lands within the study area, and also identified which lands to lease, and with which stipulations.

The enclosed Forest Plan amendments were included as an appendix to the Record of Decision. The amendments are a part of the decision made as explained in the letter by John W. Mumma dated November 1, 1991.


CURTIS W. BATES
Forest Supervisor

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United States
Department of
Agriculture

Forest
Service

Region 1

Federal Building
P.O. Box 7669
Missoula, MT 59807

Reply to: 1950/2820

Date: November 1, 1991

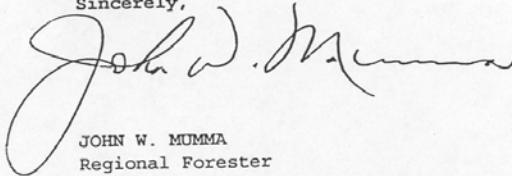
This letter is being sent to all persons who received copies of the Northern Little Missouri National Grassland Final Environmental Impact Statement (FEIS) and the Record of Decision (ROD). The purpose of this letter is to clarify my decision regarding amendments to the Custer Forest Plan.

The five amendments to the Custer Forest Plan are enclosed in Appendix A of the Record of Decision. Each amendment as shown was determined to be a nonsignificant amendment (16 U.S.C. 1604(f)(4), 36 CFR 219.10(f), FSM 1922.5). Forest Supervisor Bates made the decisions to amend the Forest Plan.

What is not clearly stated, but was the intent in the Record of Decision, is that I did adopt the five amendments in Appendix A as part of my decision based on the environmental analysis and effects disclosed in the Northern Little Missouri National Grasslands FEIS. The intent to adopt the amendments and make them a part of the decisions made in the record of decision, in addition to the decision for administratively available lands and the decision to authorize BLM to lease specific lands, is stated several places in the Record of Decision. However, possible confusion over my decision could exist due to Appendix A. Therefore, similar to the other decisions made in the ROD, the decisions to amend the Forest Plan are appealable in accordance with appeal process outlined on page 45 of the ROD and will be implemented as discussed on page 44 of the ROD. Any appeals of the decisions to amend the Forest Plan should be directed to the Chief of the Forest Service.

I apologize if you had any misdirection or confusion on the amendments to the Custer Forest Plan in the Northern Little Missouri National Grassland FEIS and Record of Decision.

Sincerely,



JOHN W. MUMMA
Regional Forester

cc: LFP - Heist

DECISION NOTICE
NONSIGNIFICANT AMENDMENT TO THE
CUSTER NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN
CUSTER NATIONAL FOREST, MONTANA, NORTH DAKOTA, AND SOUTH DAKOTA

AMENDMENT NUMBER 9
AVAILABILITY FOR OIL AND GAS LEASING
October 1991

DECISION NOTICE

Decision: It is my decision to amend the Record of Decision (ROD) for the Custer National Forest Land and Resource Management Plan (Forest Plan) based on my decision on administratively availability for oil and gas leasing of four Management Areas in the Little Missouri National Grasslands.

Rationale for the Decision: The Record of Decision for the Forest Plan states that all lands, except for existing and proposed wilderness areas, are available for further consideration for oil and gas leasing. On page 17 of the Forest Plan Record of Decision it states: "For leasing in the future, my recommendation or consent decision to lease, not recommend leasing, or lease with specific stipulations will be based upon findings of site-specific analysis and consistency with the Forest Plan."

The site-specific analysis for the "administratively available" decision as required by CFR 36 228.102(d) for the Northern Little Missouri National Grasslands (Final Environmental Impact Statement dated September 1991) and associated ROD disclose impacts that I did not feel met the intent of the Forest Plan and were not in the best public interest. I decided to make the NOT ADMINISTRATIVELY AVAILABLE for leasing for the following areas; Dutchman's Barn (Management Area C), Long X Divide and Twin Buttes (Management Area J), and Blue Buttes (Management Area K).

This decision is based on my review of the environmental impacts disclosed in the Northern Little Missouri National Grasslands FEIS. I believe my decision is in compliance with all applicable laws and regulations.

NONSIGNIFICANT NFMA AMENDMENT

This decision does not alter any of the long-term relationships between the level of good and services projected by the Forest Plan as disclosed in the Northern Little Missouri National Grasslands FEIS of September 1991. Therefore, this amendment is non-significant under NFMA (36 CFR 219.10(f)), and Forest Service Manual 1922.51, item 1 and 3.

IMPLEMENTATION

This decision will be implemented upon public notice. This Decision Notice is public notice and will be sent to all those who have requested notice of Forest Plan amendments and those who have participated in the amendment process. In addition, notice of this decision will be published in local newspapers.

- Appendix A

ADMINISTRATIVE APPEAL

This decision is subject to appeal pursuant to 36 CFR 217. Any written notice of appeal to this decision must be fully consistent with 36 CFR 217.9, "Content of Notice of Appeal". As a minimum, a written notice of appeal filed with the reviewing officer must: 1) List the name, address, and telephone number of the appellant; 2) Identify the decision about which the requester objects; 3) Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Deciding Officer; 4) Identify specifically that portion of the decision or decision document to which the requester objects; 5) State the reasons for objecting, including issues of fact, law, regulation, or policy and if applicable specifically how the decision violates law, regulation, or policy, and; 6) Identify the specific change(s) in the decision that the appellant seeks. (36 CFR 217.9(b)). A written notice of appeal must be filed within 45 days of the date of this decision and sent to:

John Hughes, Acting Regional Forester
Northern Region
200 East Broadway
PO Box 7669
Missoula, MT 59801

Simultaneously a copy of the notice of appeal must be sent to the Deciding Officer, Forest Supervisor, Curtis W. Bates, PO Box 2556, Billings, MT 59103. The notice of appeal must be filed in compliance with the procedures identified in 36 CFR 217 (54 FR 3357).

CONTACT PERSON

Further information about this decision can be obtained from:

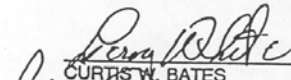
Leroy White, Planning Program Officer
Custer National Forest
PO Box 2556
Billings, MT 59103
(406) 657-6361

Forest Plan Amendment Number 9
Custer National Forest
Billings, Montana

The Custer National Forest Land and Resource Management Plan Record of Decision dated June 10, 1987 will be amended as follows:

Record of Decision, page 9 and 10 are amended to read as follows:

I have identified the lands available for oil and gas leasing, lands available for leasing with No Surface Occupancy stipulations, and lands that I have identified where conditions lead to recommendations not to lease. Areas that are available for leasing using the stipulations identified in the Forest Plan are management Areas A, B, D, E, G, R and T. Areas available for leasing with a No Surface Occupancy stipulation are management Areas F, L, M, N, O, P, Q, S and portions of C and J. In these areas, surface disturbance is incompatible with surface resource values. Areas where leasing is not compatible with long-term goals are Management Areas H, I, K and portions of C and J. The following areas are not administratively available for leasing; Dutchman's Barn (Management Area C), Long X Divide and Twin Buttes (Management Area J), and Blue Buttes (Management Area K).


CURTIS W. BATES
Forest Supervisor

10/24/91
Date